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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional) 133630-0003
First Named Inventor: <u>Doris Hjorth Hansen</u>	Art Unit: <u>3733</u>	
Application Number: <u>10/553,143</u>	Examiner: <u>Jay R. Sigler</u>	
Filed: <u>10/14/2005</u>		
Title:  <b>SUTURE BAND</b>		
<p>Attention: Office of Petitions  <b>Mail Stop Petition</b>  Commissioner for Patents  P.O. Box 1450  Alexandria, VA 22313-1450</p>		
<p>NOTE: If information or assistance is needed in completing this form, please contact  Petitions Information at (571) 272-3282.</p>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p>		
<p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b></p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> <li>(1) Petition fee.</li> <li>(2) Reply and/or issue fee.</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li> <li>(4) Adequate showing of the cause of unavoidable delay.</li> </ul>		
<p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity – fee \$ <u>270.00</u> (37 CFR 1.17(l)). Applicant claims small entity status.  See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(l)).</p>		
<p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p> <p>B The issue fee of \$ _____</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Beverly M. Bunting/

11/21/2008

Signature

Beverly M. Bunting

Date

36,072

Typed or printed name

Registration Number, if applicable

Butzel Long, IP Docketing Dept., 350 Main Street, Suite 300

248-258-1093

Address

Telephone Number

Ann Arbor, MI 48104

Address

Enclosure  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*electronically*

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

11/21/2008

/Saundra M. Lewis/

Date

Signature

Saundra M. Lewis

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

/Beverly M. Bunting/

11/21/2008

Signature

Date

Beverly M. Bunting

36,072

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The present Application was abandoned since the USPTO did not actually mail the Office Communication dated December 12, 2007 and referred to in the Notice of Abandonment dated June 30, 2008.

The Applicant checked private pair and did not see any entry corresponding to the December 12, 2007 Office Communication on November 17, 2008. The Applicant then checked public pair, and discovered an entry for the Office Communication in the Transaction History but not in the Image Wrapper.

The Applicant contacted Examiner Sigler on November 17, 2008, and the Examiner indicated that he had prepared an Office Communication on December 12, 2007, and confirmed that there was no record of it being actually mailed to the Applicant.

The Examiner said that he would check into the status of the Office Communication, and as a result, it was sent electronically to the Applicant on November 20, 2008.

(Please attach additional sheets if additional space is needed.)